REMARKS

Claims 1-2, 4-8, 10-24, 26-30, 32-44, and 47-54 were pending and presented for examination. In a Final Office Action dated June 9, 2008, claims 1-2, 4-8, 10-24, 26-30, 32-44, and 47-54 were rejected. In response, claims 1, 5, 10, 22, 26 and 32 are amended, claims 7, 12, 28 and 34 are cancelled and claim 55 is added herein. Claims 1-2, 4-6, 8-11, 13-23, 25-27, 29, 31-33, 35-43 and 46-55 are pending upon entry of this amendment.

Response to Rejection under 35 USC §102(b) and 35 USC §103(a)

Claims 1-2, 4-5, 11-12, 14-16, 18-20, 22-24, 26-27, 33-34, 36-38, 40-42, and 44 stand rejected under 35 USC §102(b) as allegedly being anticipated by Johnson, U.S. Patent Publication No. 2002/0107847. Claims 6-8, 10, 13, 17, 21, 28-30, 32, 35, 39, 43 and 47-54 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Johnson in view of various combinations with Matsuda, U.S. Pat. Publication No. 2002/0065841, Wynblatt ("Web Page Caricatures: Multimedia Summaries for WWW Documents" Proc. IEEE Int'l Conf. Multimedia Computing and Systems, 22 June to 1 July 1998, pp. 194-199), Toyama, U.S. Patent No. 6,816,847, Miyazaki, U.S. Pat. Publication No. 2002/0107847 and Zernik, U.S. Pat. Publication No. 2002/0038299. These rejections are traversed in view of the amended claims.

Amended claim 1 recites a method comprising:

> receiving image data associated with an article, the image data identifying a plurality of images within the article;
> determining a plurality of image data signals for the plurality of images based at least in part on the image data;
> determining a plurality of image data scores for the plurality of images based at least in part on the plurality of image data signals and the article;
> comparing the plurality of image data scores for the plurality of images to a predefined threshold;

selecting an image from within the article as a representative image for the article responsive to an image data score associated with the selected image being greater than the predefined threshold; and

selecting a default image from outside the article as a representative image for the article responsive to the plurality of image data scores for the plurality of images being below the predefined threshold.

The claim recites comparing the plurality of image data scores for the plurality of images to a predefined threshold. An image from within the article is selected as a representative image for the article responsive to an image data score associated with the selected image being greater than the predefined threshold. A default image from outside the article is selected as the representative image for the article responsive to the plurality of image data scores for the plurality of images being below the predefined threshold. The recited features are beneficial as the selection of the representative image is not limited to the images from within the article.

Claim 1 has been amended to incorporate the limitations of claims 7 and 12. In the rejection of claim 12, the Examiner notes that the limitations recited in claim 12 are rejected under the same rationale as claim 1. However, there is no hint, mention or disclosure in Johnson of "selecting a default image from outside the article as a representative image for the article responsive to the plurality of image data scores for the plurality of images being below the predefined threshold."

Johnson discloses a system and method for generating visual or multimedia search results in response to an Internet document search query. (Johnson, Abstract.) Johnson discloses that images from an HTML document are extracted and an image is selected from the HTML document based on the image's relative size and position in the document under

the assumption that the largest and most prominent images in the HTML document indicate the content of the document. (Johnson, ¶ [0035].) To select the image, Johnson analyzes image pixel height in the document to test if images within the HTML document are web advertisements. Web advertisements are generally restricted to de facto standards in size which facilitates placement of the web advertisements in HTML documents. Johnson exploits these de facto standards to determine web advertisements within the HTML document. Johnson assumes that images within the HTML document that are greater than 64 pixels in height (i.e., pixel height threshold) are not web advertisements and are representative images of the HTML document. (Johnson, ¶ [0035].)

The Examiner asserts that Johnson discloses the use of a position threshold when analyzing an image's relative position within the document in a similar manner to Johnson's analysis of image pixel height to determine whether the image is a representative image of the HTML document. However, there is no disclosure in Johnson of "selecting a default image from outside the article as a representative image for the article responsive to the plurality of image data scores for the plurality of images being below the predefined threshold." Johnson does not account for the scenario in which there are no images with a corresponding position above the position threshold. Johnson operates under the assumption that an image from the document with an image position score that is above the position threshold will be extracted. (Johnson, ¶ [0035].) Thus, Johnson has no need for a default image. In contrast, in the claimed invention, the plurality of image data scores for the plurality of images may be below the predefined threshold resulting in the selection of a default image as a representative image.

Claim 22 includes similar limitations to claim 1. All arguments advanced above with respect to claim 1 also apply to claim 22. Based on the above amendment and the remarks, Applicants respectfully submit that for at least these reasons claims 1 and 22 are patentably distinguishable over the cited Johnson reference. Therefore, Applicants respectfully request that the Examiner reconsider the rejection, and withdraw it.

Claims 7, 12, 28 and 34 are cancelled without prejudice or disclaimer. Thus, the rejection to claims 7, 12, 28 and 34 is moot.

The Examiner only applied Johnson in various combinations of other references including Matsuda, Miyazaki, Wynblatt, Toyama and Zernik for the dependent limitations in the claims. The dependent claims incorporate the limitations of their respective base claims. Applications submit that the dependent claims are allowable for at least the reasons described above, in addition to the further patentable limitations recited therein.

Applicants have added new claim 55. In the interest of furthering prosecution, Applicants address the cited references with respect to the newly added claim.

New claim 55 recites a method comprising:

> receiving image data associated with an article, the image data identifying a plurality of images within the article and a default image not from within the article;
> determining a plurality of image data signals for the plurality of images and the default image based at least in part on the image data;
> determining a plurality of image data scores for the plurality of images and the default image based at least in part on the plurality of image data signals and the article; and
> selecting an image from among the plurality of images and the default image as a representative image for the article based at least in part on the plurality of image data scores.

New claim 55 incorporates limitations similar to those recited in claim 8. In the rejection of claim 8, the Examiner indicates that Official Notice is taken that it is well known to determine a default image that is associated with an article. This assertion is incorrect. While it may be known in the art to determine a default image, Applicants submit that determining a plurality of image data scores for the plurality of images and the default image is not well known.

Johnson does not disclose or suggest "determining a plurality of image data scores for the plurality of images and the default image based at least in part on the plurality of image data signals and the article." As articulated above in regards to the rejection of claim 1, there is simply no disclosure in Johnson of a default image, let alone determining a plurality of image data scores for the plurality of images and the default image based at least in part on the plurality of image data signals and the article, as claimed. Thus, Johnson does not disclose or suggest the recited limitation. Wynblatt, Miyazaki, Matsuda, Toyama and Zernik do not remedy the deficiencies of Johnson.

Wynblatt discloses creating a caricature of a document which emphasizes the key points of a document in a way which quickly conveys the key points to a user. (Wynblatt, Abstract.) Miyazaki discloses a TV receiver with selectable processing systems. (Miyazaki, Abstract.) Matsuda discloses ranking data files in a storage device. (Matsuda, Abstract.) Toyama discloses a computerized method for judging aesthetics of an image. (Toyama, Abstract.) Zernik discloses a system for presenting information based on categories of content found in the information. (Zernik, Abstract.) Applicants submit that Johnson in view of various combinations of Wynblatt, Miyazaki, Matsuda, Toyama and Zernik do not

remedy the deficiencies of Johnson. Thus, claim 55 is patentably distinguishable over the cited references.

Conclusion

In sum, Applicants respectfully submit that claims 1-2, 4-6, 8-11, 13-23, 25-27, 29, 31-33, 35-43 and 46-55, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite the Examiner to contact Applicants' representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
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